

Appl. S.N. 09/774,530
Amdt. Dated Dec. 16, 2003
Reply to Office Action of Sept. 16, 2003

RD-27,947

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action mailed September 16, 2003 wherein claims 1-3, 5-17, 19-28, 30-41, 43-66 and 68-73 were rejected under 35 USC 103(a) over Polichar et al (US 6,205,199) in view of Murthy et al (US 6,055,295) and claims 4, 18,29, 42 and 67 were rejected under 35 USC 103(a) over Polichar et al, Murthy et al and further in view of Aratani (US 6,249, 503). In this amendment, no new matter has been added.

In light of the following remarks reconsideration is respectfully requested.

The rejection under 35 USC 103(a) of claims 1-3, 5-17, 19-28, 30-41, 43-66 and 68-73 over the Polichar and Murthy references is respectfully traversed.

For a prima facie case of obviousness, the Examiner must set forth the differences in the claim over the applied references, set forth the proposed modification of the references which would be necessary to arrive at the claimed subject matter, and explain why the proposed modification would be obvious.

Applicants' claimed invention as recited in independent claims 1, 15, 27 and 40 each recite an image detection interface and a control unit for controlling image data from the image detection interface within the detector framing node. Nowhere does the Polichar reference show or disclose a detector framing node as the Examiner also stated in the Office Action.

Applicants interpret the Office Action as stating that the proposed modification is to combine the node tree of the Murthy reference with the Polichar reference. Nowhere does the Examiner state a basis in the Murthy or Polichar references that would prompt one of ordinary skill in the art to modify the applied reference, other than hindsight. Further, nowhere does the Examiner suggest any desirability to combine the digital X-ray system of Polichar with the node tree of the Murthy reference. Applicants respectfully submit that one of ordinary skill in the art would not have had the motivation to use the teachings of the Polichar and Murthy references to obtain Applicants' claimed invention. Further, Applicants' detector framing node is distinguishable from the node tree of the Murthy reference. Applicants' detector framing node is particularly well-adapted for use of a non-real time host computer for image processing after image acquisition. By contrast, the Murthy reference merely discloses a node tree which is a binary decision tree. Nowhere do the applied references discuss, teach or show such a detector framing node or the problems it can solve.

It is well-established law that obviousness cannot be established absent a teaching or

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suggestion in the prior art to produce the claimed invention. It is also well established that there must be some desirability in the prior art to combine two references. Applicants' respectfully submit that there is no teaching in Polichar et al. regarding a detector framing node, as recited in Applicants' independent claims 1 and 15. Further, Applicants respectfully submit there is no cited basis to suggest a modification to the Polichar and Murthy references to obtain Applicants' invention., and that Examiner is so suggesting has failed to establish a *prima facie* case of obviousness. Withdrawal of the rejection of claims 1, 15, 27 and 40 is respectfully solicited. Claims 2-14, 16-26, 28-39 and 41-62 depend directly or indirectly from claims 1, 15, 27 and 40 and are therefore similarly allowable.

For similar reasons, Applicants respectfully submit that the Polichar and Murthy references do not teach, show or disclose Applicants' invention as recited in independent claim 63. Applicants' claim 63 recites an image detection interface to receive the image data from the image detection system, a memory unit to store the image data received by the image detection interface, and a computer communication interface to communicate the image data from the memory unit to the host memory. Nowhere do the applied references, taken alone or in combination, show or disclose in image detection system as recited in claim 63. Thus, withdrawal of the rejection of claim 63 under 35 USC 103(a) is respectfully solicited. Claims 64-73 depend directly or indirectly from claim 63 and are therefore similarly allowable.

Applicants respectfully traverse the rejection under 35 USC 103(a) of claims 4, 18, 29, 42 and 67 over the combination of the Polichar, Murthy and Aratani references. Applicants respectfully submit that claims 4, 18, 29, 42 and 67 are allowable by dependency over the Polichar and Murthy references for the reasons stated above. Applicants respectfully submit that the Aratani reference does not overcome the deficiencies of the Polichar and Murthy references and therefore the combination of the applied references would not obtain Applicants' invention as recited in claims 4, 18, 29, 42 and 67.

The Aratani reference merely discloses detection of an information signal recorded at a density of a 1 Gbit/cm² or more. This teaching in combination with the Polichar and Murthy references does not teach, show or disclose Applicants' recited invention. Absent any teaching or suggestion in the applied references, there cannot be a *prima facie* case of obviousness. Applicants respectfully request withdrawal of the rejection under 35 USC 103(a) over the combination of the Polichar, Murthy and Aratani references.

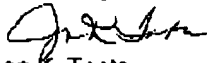
In view of the foregoing amendment and for the reasons set out above, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested.

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Should the Examiner believe that anything further is needed to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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